

GERALD E. HATCHER,)
)
 Plaintiff,)
)
 v.) **Case No. 20-03365-CV-MDH**
)
 ACADEMY SPORTS & OUTDOORS,)
)
 Defendant.)

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hours late for work and called his employer to inform them that he was late due to his disability. (Doc. 1-3 at 4). He was told to come into work and that he would be deducted two points. (Doc. 1-3 at 4). Plaintiff returned to work as instructed and worked the rest of the shift. (Doc. 1-3 at 4). The next day the manager informed Plaintiff that 8 points would be deducted, and he was being discharged. (Doc. 1-3 at 4).

To successfully assert a claim under the ADA, a “claimant must show that he was a ‘qualified individual’ who suffered ‘discrimination’ that was based on a ‘disability’ as each of those terms is defined by the Act.” *Morris v. BNSF Ry. Co.*, 817 F.3d 1104, 1107 (8th Cir. 2016). “The term ‘qualified individual’ means an individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.” 42 U.S.C. § 12111. Disability, as defined by 42 U.S.C. § 12102, means “(A) a physical or mental impairment that substantially limits one or more major life activities of such individual; (B) a record of such an impairment; or (C) being regarded as having such an impairment.” 42 U.S.C. § 12102.

Plaintiff’s Amended Complaint (Doc. 9) fails to sufficiently set forth what claims Plaintiff is pursuing, whether or not he is entitled to pursue those claims under the applicable body of law, the nature and extent of any alleged discrimination, and whether or not Plaintiff exhausted his administrative remedies by presenting the alleged discriminatory conduct to the proper administrative body prior to filing the present lawsuit. Plaintiff is therefore **ORDERED** to file a second amended complaint within thirty days to address these deficiencies. Failure to file a second amended complaint within thirty days will result in the dismissal of this case.

IT IS SO ORDERED.

Dated: June 2, 2021

/s/ Douglas Harpool
DOUGLAS HARPOOL
United States District Judge